

WA/WD PTS-
NoActionDrug
(01/19)

UNITED STATES DISTRICT COURT

for

Western District of Washington

Report on Defendant Under Pretrial Services Supervision

Date of Report: 09/11/2019

Name of Defendant: Michael Scott

Case Number: 3:18CR05579RBL-024

Name of Judicial Officer: The Honorable Theresa L. Fricke, United States Magistrate Judge

Original Offense: Conspiracy to Deliver a Controlled Substance

Date Supervision Commenced: 12/12/2018

Bond Conditions Imposed:

- Submit to drug testing, to include urinalysis or hand-held testing devices, as directed by Pretrial Services. You shall not use, consume, or possess alcohol or any product containing alcohol, including medication, unless prescribed to you by a physician and under the direction of Pretrial Services. Obtain an alcohol/substance abuse evaluation and follow any treatment recommendations as directed by Pretrial Services.
- Travel is restricted to the Western District of Washington, or as directed by Pretrial Services.
- The defendant shall comply with alcohol testing, using an alcohol testing device, as directed by the location monitoring specialist. The defendant shall comply with all program requirements and must contribute towards the costs of the services, to the extent they are financially able to do so, as determined by the location monitoring specialist.
- Surrender all current and expired passports and travel documents to the court. Do not apply for/obtain a new passport or travel document from any country without permission of the court. If the surrendered passport is a foreign passport, it shall be forwarded to Immigration and Customs Enforcement if defendant is convicted of an offense, unless otherwise ordered by the Court.
- Undergo a mental health, psychiatric or psychological evaluation and follow all treatment recommendations in that evaluation, as directed by Pretrial Services. You shall take all medications as prescribed.
- Provide Pretrial Services with any requested information regarding your financial status, income sources, and investments. Sign a Release of Information form for Credit Bureau Verification if requested by Pretrial Services.
- You must contribute towards the costs of the services required by this bond, to the extent you are financially able to do so, as determined by Pretrial Services.
- You shall not have direct contact or indirect contact with any existing and/or future co-defendant(s) in this case. The defendant may have contact with his wife, codefendant Esther Scott; however, they are prohibited from discussing the case directly or indirectly, including with his children.
- You shall not have direct contact or indirect contact with any existing and/or future co-defendant(s) in this case.
- The defendant shall participate in the location monitoring program with Active Global Positioning Satellite technology. The defendant shall comply with a curfew as by the location monitoring specialist. The defendant shall abide by all program requirements, and must contribute towards the costs of the services, to the extent financially able, as determined by the location monitoring specialist. **The location monitoring specialist will coordinate the defendant's release with the U.S. Marshals. [Removed 6/7/2019]; [Added 7/22/2019]**

- The defendant shall participate in the location monitoring program with Active Global Positioning Satellite technology. The defendant will be monitored by Active Global Positioning Satellite technology which shall be utilized for purposes of verifying compliance with any court imposed condition of supervision. The defendant shall abide by all program requirements, and must contribute towards the costs of the services, to the extent financially able, as determined by the location monitoring specialist. [Added 6/7/2019]; [Removed 7/22/2019]

NCOMPLIANCE SUMMARY

Nature of Noncompliance

1. The defendant violated the bond condition to not use, consume or possess any controlled substances, unless the substance is prescribed by a physician, by using cocaine on or about July 18, 2019.

Supporting Evidence: On December 12, 2018, Mr. Scott reported to the probation office for intake. At that time, he reported using cocaine daily. He also indicated he believed cocaine to be an issue for him. He identified his last date of use as December 6, 2018. Mr. Scott later participated in a substance abuse evaluation at the Veterans Administration (VA) and has since been actively engaged in substance abuse treatment and mental health counseling. He also tested negative for controlled substances for more than seven months.

Unfortunately, Mr. Scott has continued to struggle with his addiction to alcohol. He had positive alcohol Soberlink tests on March 7, 2019, and again on July 11, 2019. These violations were addressed through increased drug testing and a return to location monitoring curfew component. The violation noted above occurred shortly after his positive alcohol test on July 11, 2019, and during the same difficult period of his life.

On August 1, 2019, I contacted Mr. Scott to discuss his cocaine use. He admitted to using cocaine on or about July 18, 2019, and insisted it was a one-time occurrence. Mr. Scott indicated the drug use occurred during a particularly stressful time in his life. He was working on his letter to the Court and hoping for acceptance into the DREAM program. He reportedly "found a baggie" containing cocaine in his residence and used the substance one time. The defendant notified his attorney, his substance abuse treatment provider, and his psychiatrist. It was recommended he continue in a 12-week Post Traumatic Stress Disorder (PTSD) group at the VA. He had been scheduled to graduate soon, but he now planned to continue. Mr. Scott also admitted his drug use to his treatment group and found their support helpful. His psychiatrist also increased his dose of medication to treat depression.

In response to this violation, Mr. Scott was reprimand and his frequency of drug testing was increased. All of his subsequent urinalysis tests have been negative for controlled substances. Should there be any indication of additional drug use, the Court will be notified accordingly.

This is the third positive result since release to supervision.

I have reviewed the matter and taken the following action:

- ☒ Reprimand
- ☒ Increased frequency of testing
- ☒ Continue to participate in substance abuse treatment at the recommended level

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I have notified defense counsel and the Assistant United States Attorney, and they concur with the recommendation. However, the government advised they would have liked to have been notified sooner and only reluctantly concur with the recommendation of no further action.

I respectfully recommend that the Court endorse the actions taken at this time.

I swear under penalty of perjury that the foregoing is true and correct.

Executed on this 11th day of September, 2019.



Lisa L. Combs
United States Probation Officer

APPROVED:

Connie Smith

Chief United States Probation and Pretrial Services Officer

BY:



Jerrod F. Akins
Supervising United States Probation Officer

THE COURT FINDS PROBABLE CAUSE AND DIRECTS:

- ☒ Judicial Officer endorses the United States Probation Officer's actions
☐ Issue a Summons
☐ Issue a Warrant
☐ Other



Theresa L. Fricke, United States Magistrate Judge
9-11-2019

Date